

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RAUL GONZALES,
Individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CROSSLAND OILFIELD SERVICES, LLC
and **DREW A. CROSSLAND,**

Defendants.

§
§ Civil Action No. 5:20-cv-00829-OLG
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§ JURY TRIAL DEMANDED
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§ COLLECTIVE ACTION
§ PURSUANT TO 29 U.S.C. § 216(b)
§
§
§ CLASS ACTION
§ PURSUANT TO FED. R. CIV. P. 23
§
§

MOTION FOR ALTERNATIVE SERVICE OF PROCESS

Raul Gonzales (“Plaintiff”), asks the Court to allow alternative service of process on Crossland Oilfield Services, LLC (hereinafter referred to as “Defendant”) and in support thereof would show the following:

1. On July 15, 2020, Plaintiff filed his Original Collective/Class Action Complaint in this matter. After filing suit, Plaintiffs retained a private process service company to effect service on Defendant. As is shown by the affidavits of the process servers David Pace (attached as Exhibit A and Exhibit C) and Terence W. Meadows (attached as Exhibit B), six (6) different attempts to serve Drew A. Crossland, as the registered agent of Crossland Oilfield Services, LLC, were made over a two month period at four (4) separate locations, but those attempts were not successful.

2. The first attempt at service was made on July 17, 2020, at 700 N. St. Marys St., Suite 62, San Antonio, Texas 78205. The building’s security stated that the subject moved from this building over one year ago. *See* Exhibit A.

3. The second and third attempts at service were made on July 25, 2020 and July 31, 2020, at 610 E. Market St., Unit 2818, San Antonio, Texas 78205. The concierge stated that the subject sold his condominium in February 2020 and there was no forwarding address for him on file. *See* Exhibit A.

4. The fourth attempt at service was made on August 3, 2020, at 614 NE 5th Street, Smithville, Texas 78957. This was a bad address that could not be located. *See* Exhibit B.

5. The fifth attempt at service was made on September 24, 2020, at 333 S. Hackberry, San Antonio, Texas 78203. This address is a gated property with a locked gate that prevents entry to the property, however a truck with “Crossland Pipeline” on it was observed parked inside the gate on the property. *See* Exhibit C.

6. The sixth attempt at service was made on September 28, 2020, at 610 E. Market St., Unit 2818, San Antonio, Texas 78205. The concierge stated that the subject sold his condominium earlier this. *See* Exhibit C.

7. In searching for an alternate address for Defendant to receive service, Plaintiff located two separate cases in the District Court of Bexar County, Texas that were filed earlier this year against Defendant. In both cases, service of process was attempted on Defendant at multiple addresses during the time period of April 27, 2020 through May 7, 2020. *See* Affidavit of Pete Bustamante attached as Exhibit D. On May 1, 2020, one of Defendant’s employees confirmed that Defendant’s place of business is located at 333 S. Hackberry, San Antonio, Texas 78203. *See id.* However, in that case, despite due diligence in attempting service at that address, service was unsuccessful. *See id.*

8. As shown by the Affidavit of David Pace and Pete Bustamante, 333 S. Hackberry, San Antonio, Texas 78203 is a gated property with restricted access that can only be accessed with a keypad combination. *See* Exhibits C, D.

9. Attempts to serve Defendant have not been successful. Despite numerous attempts to serve Defendant at the above addresses, it has not been possible for the reasons that Defendant is not at his business or home address or is evading service. The alternate service requested will be reasonably effective to give notice of this suit. Service upon the Defendant can be had by leaving a copy of Plaintiff's Original Collective/Class Action Complaint and summons with any person appearing to be at least the age of 18 years who is present at 333 S. Hackberry, San Antonio, Texas 78203, or by affixing Plaintiff's Original Collective/Class Action Complaint and summons to the front entrance or door at that address.

PRAYER

Plaintiff prays that the Court grant this motion and order service upon Defendant by leaving a copy of Plaintiff's Original Collective/Class Action Complaint and summons with any individual appearing to be over the age of 18 years who is present at 333 S. Hackberry, San Antonio, Texas 78203, or by posting or affixing the same on the front gate or door at that address, or in such manner as the Court finds will be reasonably effective to give Defendant notice of this suit, and that a true copy of such order for alternate service be attached to and included with Plaintiff's Original Collective/Class Action Complaint and summons so served. Further, Plaintiff requests the Court order that proof of service in the form of an affidavit or declaration by the process server reflecting such service suffice as proof of service of Plaintiff's Original Collective/Class Action Complaint and summons. Plaintiff further requests such other relief to which he is entitled.

Date: October 9, 2020

Respectfully submitted,

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